

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

EMORY STEVE BROWN,	*	CASE NUMBER:
	*	3:05 CV 0681-MHT-CSC
Plaintiff,	*	
	*	
v.	*	
	*	
CLAIMS MANAGEMENT, INC.,	*	
	*	
Defendant.	*	

DEFENSES AND ANSWER OF DEFENDANT CLAIMS
MANAGEMENT, INC. TO THE PLAINTIFF'S FIRST
AMENDED COMPLAINT

COMES NOW the defendant, Claims Management, Inc. (hereinafter referred to as the "defendant"), and in response to the plaintiff's first amended complaint, asserts the following defenses and answer:

The defendant adopts, realleges and incorporates all defenses and responses contained in its answer to the plaintiff's original complaint as if fully set forth herein. In response to the individually numbered paragraphs contained in the plaintiff's first amended complaint, the defendant responds as follows:

TWENTY-FIRST DEFENSE AND ANSWER

In response to the individually numbered paragraphs contained in the plaintiff's first amended complaint, the defendant pleads as follows:

COUNT FOUR

COMPLAINT FOR NEGLIGENCE

1.

The defendant CMI responds to the allegations contained in paragraph 1 of

Count Four of the plaintiff's first amended complaint in the same manner that it has responded to the allegations contained in paragraphs 1 through 13 of the Statement of Facts in the plaintiff's original complaint and adopts, realleges and incorporates those responses herein by reference as if fully and completely set forth herein.

2.

The defendant CMI admits it owes certain obligations to the plaintiff but denies that paragraph 2 of Count Four of the plaintiff's first amended complaint contains an accurate statement of same.

3.

The defendant CMI denies the allegations contained in paragraph 3 of Count Four of the plaintiff's first amended complaint.

4.

The defendant CMI denies the allegations contained in paragraph 4 (a) through (d) of Count Four of the plaintiff's first amended complaint.

5.

The defendant CMI denies that the plaintiff is entitled to any relief as prayed for in his ad damnum clause contained in Count Four of his first amended complaint.

6.

The defendant denies each and every allegation contained in the plaintiff's first amended complaint which has not been hereinbefore either expressly admitted, denied or otherwise responded to.

7.

The defendant reserves the right to amend this its answer to the plaintiff's first

amended complaint by the addition or deletion of additional defenses as discovery may deem appropriate.

This 11th day of January, 2006.

Respectfully submitted,

CARLOCK, COPELAND, SEMLER
& STAIR, LLP

BY: /s/ Jeffrey A. Brown

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CERTIFICATE OF SERVICE

I, Jeffrey A. Brown, do hereby certify that I am of counsel for the defendant Claims Management, Inc. and that I have served a copy of the above and foregoing DEFENSES AND ANSWER OF DEFENDANT CLAIMS MANAGEMENT, INC. TO THE PLAINTIFF'S FIRST AMENDED COMPLAINT upon all counsel of record via electronic filing and by depositing a true copy of same in the United States mail, postage prepaid, in an envelope addressed to opposing counsel as follows:

John A. Tinney, Esquire
Post Office Box 1340
Roanoke, Alabama 36274

This 11th day of January, 2006.

 /s/ Jeffrey A. Brown
Of Counsel for Defendant, Claims
Management, Inc.